

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:24-cv-00197-MR-WCM**

**LAFORCE, LLC
f/k/a LAFORCE, INC.,**

Plaintiff,

vs.

**RESTROOM STALLS & ALL, LLC;
and SOUTHCO & ASSOC., INC.,**

Defendants,

SOUTHCO & ASSOC., INC.,

Third-Party Plaintiff,

vs.

**FLEURCO-US, INC.;
FLEURCO PRODUCTS, INC.; and
JASON P. GREENWALT
CONSTRUCTION CORP.,**

Third-Party Defendants.

ORDER

THIS MATTER is before the Court on Fleurco-US, Inc. and Fleurco Products, Inc.'s (together, "the Fleurco parties") Motion to Dismiss [Doc. 41]; the Magistrate Judge's Memorandum and Recommendation [Doc. 53] regarding the disposition of the Motion to Dismiss; and the Fleurco parties'

Objection to the Magistrate Judge's Memorandum and Recommendation [Doc. 54].

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the above-referenced motion and to submit a recommendation for its disposition. On August 29, 2025, the Magistrate Judge issued a Memorandum and Recommendation, recommending that the Motion to Dismiss be granted in part and denied in part. [Doc. 53]. The parties were advised that any objections to the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. [Id. at 16]. The Fleurco parties filed their Objection on September 12, 2025. [Doc. 54].

After a careful review of the Memorandum and Recommendation, the Court concludes that the Magistrate Judge's proposed conclusions of law are correct and are consistent with current case law. Accordingly, the Court overrules the Objection and accepts the Magistrate Judge's recommendations that the Motion to Dismiss be granted in part and denied in part.


IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 53] is **ACCEPTED**.

IT IS FURTHER ORDERED that the Motion to Dismiss [Doc. 41] is **GRANTED IN PART** and **DENIED IN PART** as follows:

- (1) That SouthCo & Assoc., Inc.'s third-party claim for contribution against the Fleurco parties be **DISMISSED** and
- (2) That SouthCo & Assoc., Inc.'s third-party claims for negligence and negligent misrepresentation against the Fleurco parties be allowed to proceed.

IT IS SO ORDERED.

Signed: September 29, 2025



Martin Reidinger
Chief United States District Judge

